

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDREW DEAN JOHNSON,

Petitioner,

Civil No. 2:19-CV-12423

HONORABLE DENISE PAGE HOOD

v.

CHIEF UNITED STATES DISTRICT JUDGE

CATHERINE S. BAUMAN,

Respondent,

**OPINION AND ORDER DENYING AS MOOT THE MOTION TO
PROCEED IN FORMA PAUPERIS ON APPEAL**

Andrew Dean Johnson, (“Petitioner”), confined at the Newberry Correctional Facility in Newberry, Michigan, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 through attorney David L. Moffitt. On September 30, 2020, the Court summarily dismissed the petition without prejudice because petitioner failed to exhaust his state court remedies. The Court denied petitioner a certificate of appealability but granted him leave to appeal *in forma pauperis*. *Johnson v. Bauman*, No. 2:19-CV-12423, 2020 WL 5819567 (E.D. Mich. Sept. 30, 2020).

Petitioner has now filed a motion to proceed *in forma pauperis* on appeal.

This Court already granted petitioner leave to appeal *in forma pauperis*, it is thus unnecessary for petitioner to again obtain permission to proceed *in forma pauperis* on appeal. Petitioner’s current motion to proceed *in forma pauperis* on

appeal (ECF No. 24) will therefore be denied as moot. *See McMillan v. McKune*, 16 F. App'x. 896, 897 (10th Cir. 2001).

s/Denise Page Hood

Chief Judge, United States District

Dated: January 4, 2021